

EXHIBIT M

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN,
SOUTHERN DIVISION

DENESSA WESTBROOK, et al,
Plaintiff,

-vs-

Case No. 09-CV-11457

LARRY DAVIS, JOSEPH WEEKLEY,
JASON BRASGALLA, KEVIN SHEPHARD,
G. CHESTER, D. FOSTER, C. ANDERSON,

T. DOLLINGER, S. HOWITT and E. HAYES,
Defendants.

COPY

The deposition of MARTIN A. WESTBROOK,
taken by Shalaan K. Fisher, CSR-2284, Court Reporter
and Notary Public for the County of Wayne, Acting in
the County of Wayne, at 660 Woodward Avenue, in the
city of Southfield, State of Michigan, on
December 9, 2009 commencing at or about the hour
of 11:45 o'clock a.m.

RELIANCE COURT REPORTING 313-964-3611

1 Is she the daughter of Melody?

2 A April's daughter is Melody?

3 MR. CABOT: You said, "Alicia is
4 the daughter"?

5 MR. ASHFORD: Yes. Strike that.

6 THE WITNESS: Alicia. She was an
7 infant. She was a newborn.

8 Q (BY MR. ASHFORD) Let me ask the question, again,
9 just for the record.

10 Approximately, how old was April's
11 daughter, Melody?

12 A She was a newborn.

13 Q The officers came through the front door?

14 A Yes, sir.

15 Q Was there any damage done to the door?

16 A Yes.

17 Q Can you describe the damage to the front door?

18 A The front door was knocked off the hinges. The lock
19 thing was -- you know, blew out. They had blew the
20 wood off the frame of the door or two.

21 Q How many doors did you have to the front?

22 A Only one.

23 Q Can you describe the materials it was made of?

24 A I can't describe it, but I know --

25 Q Do you know if it was a wood or metal door?

1 A It was a, like, cheap metal door, like, not so much
2 metal, but you know, yes. Metal.

3 Q Where were you when the officers came to the home?

4 A Me and my mother was sitting in the Living Room.

5 Q Where were you sitting in the Living Room?

6 A I was sitting on the couch.

7 Q Can you describe the officers coming through the
8 door?

9 A Well, me and my mother were sitting on the couch.
10 We seen the vans pull up. We seen them come --
11 walking up on the porch. Blinds were wide open. It
12 was not even about 52 seconds before they just
13 knocked the door down. Someone came in with the --

14 Q Was there a loud noise?

15 A Yes. There was a loud noise.

16 Q Yes. Did you know, they were police officers before
17 you heard the loud noise?

18 A Yes.

19 Q How did you know that?

20 A Because I'd seen them pull up in their raid vans.

21 Q Any other reason?

22 A No, sir.

23 Q How did you know that they were police officers?
24 Because they pulled up in vans?

25 A Because, you know, the raid vans they pull up in, we

- 1 knew that they were police when they first walked up
2 on our porch.
- 3 Q Was that because they were in the raid vans?
- 4 A Because yes, you know -- you know, all of a sudden,
5 on the street, you could tell the police -- you
6 could tell when they come in the raid vans.
- 7 Q What were they wearing?
- 8 A They were wearing some head masks. Some did not.
- 9 Q Okay. What else were they wearing?
- 10 A Like, those -- armour and stuff on their body and
11 whatever.
- 12 Q What color was their clothing?
- 13 A It was blue, black.
- 14 Q Did they have "POLICE" written across their chest
15 and in white letters?
- 16 A Some did. Some didn't.
- 17 Q You could see this from the window?
- 18 A Yes. I could.
- 19 Q Okay. Did you hear anybody say, "Police"?
- 20 A No, sir.
- 21 Q Did you hear anybody say, "Search warrant"?
- 22 A No, sir.
- 23 Q Did you hear anybody say, "Open up the door"?
- 24 A No, sir.
- 25 Q Did you hear anybody knock on the door?

- 1 A No, sir.
- 2 Q Nobody knocked on the door?
- 3 A No, sir.
- 4 Q Did you see any police officers with guns?
- 5 A Yes, sir.
- 6 Q So, what were you thinking at this time?
- 7 A What is going on?
- 8 Q Did you try to communicate with the police officers
- 9 through the window?
- 10 A Yes. We -- Not really. No.
- 11 Q Did you know that they were going to come into the
- 12 house?
- 13 A Yes. We did.
- 14 Q How did you know that?
- 15 A Because as soon as they came on the porch, me and my
- 16 mother stood up. My mother put her hands up,
- 17 because they could see right through the windows,
- 18 but they just proceeded knocking the door down.
- 19 Q How do you know they could see through the windows?
- 20 A The windows were wide open.
- 21 Q Okay. So, if someone was looking, they would have
- 22 seen --
- 23 A Oh, yes.
- 24 Q Did you see any officers looking through the window?
- 25 A Some. Some, no.

- 1 A After -- as soon as they knocked the door down, dogs
2 started running, pop, pop, pop, pop, pop, pop, pop.
3 Q And you and your mom are in the Living Room?
4 A Yes, sir.
5 Q And Alicia is in the Dining Room?
6 A Yes, sir. Yes.
7 Q where is April at the time this loud noise happened?
8 A She is upstairs.
9 Q where is RaVon?
10 A Upstairs.
11 Q where is Melody?
12 A Upstairs.
13 Q Do you know what happened?
14 A Then after they shot the dogs, they proceeded
15 pointing their guns at me and my mother's face and
16 told us to get on the ground.
17 Q Okay. What do you mean, pointing the guns at your
18 faces?
19 A One of the cops actually pointed the gun directly in
20 my face. It was --
21 Q Directly in your face?
22 A Yes.
23 Q Do you know the name of this officer?
24 A No. I don't.
25 Q Do you know what officer it was?

- 1 A I heard officers' names.
- 2 Q Okay. What do you mean, you heard officers' names?
- 3 A You know, I mean, when they was talking, they was
- 4 using officers' -- saying each others' names.
- 5 Q Okay. Did you hear a name given to this officer
- 6 that pointed a gun in your face?
- 7 A No.
- 8 Q Did you see any officers point any guns in your
- 9 mother's face?
- 10 A Yes.
- 11 Q Now, when you say, "pointed," do you mean, they just
- 12 had their guns, like, ready to shoot if somebody
- 13 tried to do something?
- 14 A They had their hands on the trigger.
- 15 Q Okay. That's what you mean by "pointing"?
- 16 A Yes, sir.
- 17 Q Not necessarily that they had it directly in her
- 18 mother's face?
- 19 A They had it directly in my face, but you know,
- 20 pointed at my mother, but it was directly in my
- 21 face.
- 22 Q But not your mother's face?
- 23 A Yes.
- 24 Q Oh, or April's face?
- 25 A Unh-unh.

1 Q Or RaVon's face?

2 A well, they was upstairs.

3 Q They were eventually brought downstairs, right?

4 A Yes.

5 Q You didn't see officers directly point a gun in

6 April's face, did you?

7 A They had guns drawn on her. Yes. They did, her and

8 her husband.

9 Q I understand, they had guns drawn, but they didn't
10 point it directly in her face, did they?

11 A well, no.

12 Q Okay. Or RaVon's face, correct?

13 A No. They had him in handcuffs.

14 Q Okay. Were you ever handcuffed?

15 A Yes. I was.

16 Q Do you know the name of the officer that handcuffed

17 him?

18 A No, sir.

19 Q How long were you handcuffed?

20 A As long as they was there.

21 Q what happened next?

22 A After that, they came in, got my sister from -- and

23 her boyfriend from upstairs, brought them down.

24 Just talking around. Then they went downstairs to

25 investigate the dogs, called the Humane Society.

1 Q Did any officers say anything else to you?

2 A No, sir.

3 Q The officer that pointed the gun directly in your
4 face, how long did he do that?

5 A About five, ten minutes. He had it pointed at me.

6 Q He had?

7 Okay. When you say, pointed at
8 you, do you know if it was directly in your face and
9 if he had it pointed for five or ten minutes?

10 A When he first came up on me, yes.

11 Q Were you down on the floor?

12 A No. No. This was before they put me on the floor.

13 Q Was this a black or a white officer that was
14 pointing the gun at you?

15 A I couldn't tell you. He had a face mask.

16 Q Okay. Well, these things that you are calling "face
17 masks," they didn't cover the eyes and the nose, did
18 they?

19 A Not so much of the eyes. Some of the nose, but you
20 know --

21 Q So, the mouths were totally covered?

22 A All that was -- Yes. Everything was covered.

23 Q Well, and you could not -- could not tell if it was
24 a black person or a white person or their skin color
25 at all?

1 Do you remember those questions?

2 A Yes.

3 Q Would the dogs -- in going from the Dining Room
4 toward the basement, would they ever have to go
5 toward the front door?

6 A No.

7 Q Did you ever see the dogs when they left the
8 Living Room to go to the basement?

9 Did you ever see the them head
10 toward the front doors?

11 A No.

12 Q Did you ever see any of the dogs make any movements
13 toward the officers?

14 A No.

15 Q Did you hear any of the dogs bark?

16 A No.

17 Q Did you hear any of the dogs growl?

18 A No.

19 Q Did any of the officers ever say to anybody in the
20 house, "Get control of your dogs before I shoot
21 them"?

22 A No, sir.

23 Q Did you hear any officers in the house say, "Watch
24 out! There's dogs here"?

25 A No, sir.

1 Q So, for the dogs to get from the Living Room to the
2 basement, they would go in the opposite direction of
3 the front door, correct?

4 A Yes.

5 Q Mr. Ashford asked you some questions to try to
6 describe the sounds that you heard of the shots when
7 the dogs were shot, and I think, you said something
8 to the effect of like pow, pow, pow, pow?

9 A Yes.

10 Q If I had to relate that to a sound, maybe, the rest
11 of us could assimilate to.

12 would it be like somebody lighting
13 a pack of firecrackers or would it be slower than
14 that, faster than that?

15 Could you give me a sound that
16 might be closely associated with what you heard
17 versus pow, pow, pow, pow, pow?

18 A Yes. You could say, a -- firecrackers, yes. Yes.
19 You know, it was -- you know, it was not that loud
20 because of the guns they was using, but it was loud,
21 you know.

22 Q Okay. But as far as the rapidness of it, was it
23 like you lit a pack of fire crackers?

24 Was it that fast?

25 A I would say, it was not that fast, but it was pow,

1 pow, pow, pow, pow. Yes.

2 Q Did you ever watch Rambo on TV?

3 A Yes.

4 Q He used a machine gun, right?

5 A Right.

6 Q Did it sound like machine gun fire?

7 A No.

8 Q Okay. But it was shots, one after another?

9 A Yes.

10 Q You initially testified that they had a gun pointed
11 at your head, correct?

12 A Yes.

13 Q How long did that last?

14 A About five, ten minutes.

15 Q Okay. So, you were standing for five to ten
16 minutes, correct?

17 A Yes.

18 Q And then they told you to "Get the "F" on the
19 ground"; is that correct?

20 A Yes.

21 Q Okay.

22 MR. ASHFORD: I'm going to object
23 to "they".

24 Q (BY MR. CABOT) You were then ordered to get on the
25 ground, correct?

- 1 A Yes.
- 2 Q How long were you on the ground, approximately?
- 3 A Until a long, long time.
- 4 Q More or less than 15 minutes?
- 5 A More.
- 6 Q More or less than 30 minutes?
- 7 A More.
- 8 Q More or less than an hour?
- 9 A I would say, about right there.
- 10 Q when you were on the ground, did any officer or
- 11 officers point a gun at your head?
- 12 A They pointed it at me.
- 13 Q Okay. So, they pointed it at your body?
- 14 A Yes.
- 15 Q Is that correct?
- 16 A Yes.
- 17 Q Okay. Going back to the question Mr. Ashford asked
- 18 you about the guns being pointed at your mom, you
- 19 indicated, you didn't know if they were pointed at
- 20 her head; is that correct?
- 21 A Yes.
- 22 Q Did she have guns pointed in the general direction
- 23 of your body?
- 24 A Yes.
- 25 Q So, there was actually a barrel of a gun that was

1 pointed in her direction, toward some part of her
2 body; is that correct?

3 A Yes, sir.

4 Q And that's the same for you, when you were on the
5 ground, that there was a barrel of a gun that was
6 pointed in the direction of your body?

7 A Yes, sir.

8 Q Is that the same when April came down?

9 A Yes. Yes. They had gotten guns drawn. The people
10 that was down in the front room, though, had guns
11 drawn as they was coming down the stairs.

12 Q Now, when you were on the ground and your mom was
13 having these guns pointed at them, they weren't
14 simply in their holsters or around their shoulders,
15 correct?

16 A No. They was just talking, walking around with the
17 guns in their hands.

18 Q Okay. And how they were walking around with the
19 guns in their hands, did they give you the distinct
20 impression that all they would have to do is move a
21 finger and they would shoot you?

22 A Yes.

23 Q Were you scared that you were going to get shot?

24 A Most likely. A little bit, you know.

25 Q Was there a fear that any members of your family

1 A "Don't worry about it. Stay where the "F" you're
2 at."

3 Q Were you ever given a ticket or charged with any
4 crime for this?

5 Were you ever charged, ticketed or
6 charged with a crime for anything that happened on
7 February 8th, 2007?

8 A No. I don't believe so. No. No. I don't think
9 so.

10 Q When they finally let you off the floor, did they
11 still point guns at you?

12 A No. Not so much. No.

13 Q That's when they were pretty much done and ready to
14 leave the house?

15 A Yes.

16 Q When you had guns pointed at you and you were
17 handcuffed, did you feel that you were just free to
18 leave and do what you had wanted to do?

19 A Could you repeat that, again?

20 Q When you were handcuffed and had guns pointed at
21 you, do you feel, you were free to leave the house
22 and do what you wanted to do?

23 A No.

24 Q Have any of these dogs in the years that you had
25 them ever been known to show any signs of aggression

1 when I walk in to your kitchen

2 from the front door --

3 A Hm-hmm.

4 Q -- to my immediate right is the doorway to the
5 basement; is that correct?

6 A Could you repeat it, again?

7 Q when I walk through the front door of your home --

8 A Hm-hmm.

9 Q --and I walk down the hallway to the kitchen --

10 A Hm-hmm.

11 Q -- and I'm still facing what would be your backyard

12 --

13 A Hm-hmm.

14 Q -- and I'm standing in your kitchen --

15 A Yes.

16 Q -- to my right, my immediate right is the basement;
17 is that correct?

18 A Yes. There is the sink and then a basement door.

19 Q Now, when you were laying down on the floor of the
20 Living Room, were you face down?

21 A I was on my stomach. Yes.

22 Q Plaintiff's Counsel asked you on Cross-examination
23 whether you would have heard it if the police
24 knocked or said, "Police!" Because your testimony
25 was you are only 3' away, correct?

- 1 A Yes.
- 2 Q You didn't answer the question.
- 3 would you have heard it?
- 4 A If they knocked, yes, I would have heard it.
- 5 Q You would have heard it?
- 6 A Yes.
- 7 Q And if they would have said, "Police," you would
- 8 have heard it?
- 9 A Yes.
- 10 Q why didn't you go and get MooMoo?
- 11 A Repeat it, again.
- 12 Q why didn't you go, get MooMoo?
- 13 A They -- as soon as they knocked down the door, the
- 14 dogs started running toward the basement and they
- 15 started shooting, so, I'm not going to get up and
- 16 get in the line of their fire.
- 17 Q why didn't you go, get MooMoo from the Humane
- 18 Society after the Humane Society called?
- 19 A Because my mother went to get her. I stayed home.
- 20 Q why did you stay home?
- 21 A Because I didn't want to go.
- 22 Q why didn't you want to go?
- 23 A Because I didn't feel like it.
- 24 Q what do you mean, you didn't feel like it?
- 25 A I just was still mad at the fact that they came and